

Victoria Brigden

Barrister

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Professional Experience

Barrister, NSW Bar

May 2010 to date

- Broad commercial and equity practice, with a particular interest in competition and trade practices, employment and restraint of trade, banking and mining-related disputes.

Solicitor, Corrs Chambers Westgarth Feb 2006 – Apr 2010

- Practice in general commercial litigation, with a particular focus on competition and trade practices, class actions and employment matters.

Education

- Master of Laws, University of Sydney 2012
- Bachelor of Laws (Hons), University of Technology, Sydney 2005
- Bachelor of Arts in Communications (Journalism)
University of Technology, Sydney 2005

Selected appearances as a barrister

General commercial and equity matters:

- *King v Chrisis* [2018] NSWSC 377 (unled) – undue influence, judicial approval of settlement
- *Boyd v Thorn* [2017] NSWCA 210 (led by A J McInerney SC) – issue estoppel, property law, orders under s66G *Conveyancing Act 1919* (NSW)
- *Boulay Pty Ltd v The Trust Company Ltd* [2017] NSWSC 222 (led by I M Jackman SC) – contractual interpretation of a rent review clause in a commercial lease
- *Broken Hill Minerals Pty Ltd v Relentless Resources Limited* (led by I M Jackman SC and later J Stoljar SC and J Duncan) – Supreme Court of New South Wales proceedings regarding alleged breaches of a joint venture agreement (2017), New South Wales Supreme Court, – matter settled prior to final hearing
- *Thorn v Boyd* [2016] NSWSC 1344 (unled) – declaration of constructive trust and equitable charge and orders under s66G *Conveyancing Act 1919* (NSW)
- *Boyd v Thorn* [2016] NSWSC 837 (unled) – summary dismissal of proceedings involving a claim for fraud
- *Boyd v Thorn* [2016] NSWSC 588 (unled) – application to set aside orders
- *CMB Advisory Pty Ltd v Unleashed Software Limited* (2015), District Court of New South Wales (unled) – application for summary judgment
- *Capogreco & ors v Rogerson & anor* [2015] NSWSC 1371 (unled) – contract, tort of conversion

- *Dickman v Holley; Estate of Simpson* [2013] NSWSC 18 (led by IE Davidson SC) – probate, undue influence
- *Motor Vehicles Insurance Limited v Woodlawn Capital Pty Limited*, 2012 (led by S Rushton SC) – Supreme Court of New South Wales proceedings regarding alleged breaches of contract
- *Chan v Harris (No. 2)* [2010] FCA 1393 (unled) – preliminary discovery
- *AvSuper Pty Ltd v Commonwealth Managed Investments Limited* (2010) 81 ACSR 218; [2010] NSWSC 1499 (led by I M Jackman SC) – interpretation of constitution of managed investment scheme

Competition, consumer law and trade practices:

- Currently briefed in trade practices matters in the Federal Court of Australia on behalf of the Australian Competition and Consumer Commission.
- Acted on behalf of the ACCC in the *ACCC v SensaSlim Australia Pty Ltd (in liquidation)* proceedings, led by K Morgan, including as to Mr Foster's application for leave to appeal.
- Briefed by the ACCC on a variety of matters at the investigatory/ pre-trial stage.

Employment and restraints of trade:

- *Fair Work Ombudsman v JPA Manchester Pty Ltd & anor* [2018] FCCA 845 (unled) – civil penalty hearing
- *Fair Work Ombudsman v No Land Tax Incorporated & anor* [2017] FCCA 2471 (unled) – civil penalty hearing
- *Fair Work Ombudsman v Waterfall Feedlot Pty Ltd* [2017] FCCA 879 (unled) – civil penalty hearing
- *Fair Work Ombudsman v Global Express Consultancy Pty Ltd & anor* [2016] FCCA 2446 (unled) – civil penalty hearing
- *Fair Work Ombudsman v I Luv Pty Ltd & ors* – (unled), Federal Circuit Court civil penalty hearing, 22 September 2016, ex tempore judgment
- *Andrews Advertising Pty Ltd v David Andrews & ors* (2014) 99 ACSR 164; [2014] NSWSC 318 (led by I M Jackman SC) – breach of contract, restraint of trade in employment, breach of fiduciary duties, breach of ss182-183 of the Corporations Act
- *Andrews Advertising Pty Ltd v David Andrews & ors* [2011] NSWSC 244 (led by I M Jackman SC) – preliminary discovery application
- *BlackRock Asset Management Australia Services Limited v Waked* [2011] FCA 272 and *BlackRock Asset Management Australia Services Limited v Waked (No 2)* [2011] FCA 479 (led by I M Jackman SC) – interlocutory disputes in the context of proceedings for breach of contract, enforcement of restraint of trade clauses in employment agreements and breaches of fiduciary duties - matter settled before final hearing
- *Hanna v OAMPS Insurance Brokers Ltd* (2010) 202 IR 420; [2010] NSWCA 267 (led by A Moses SC and Y Shariff) – restraint of trade in employment
- *OAMPS Insurance Brokers Ltd v Hanna* [2010] NSWSC 781 (led by A Moses SC) – restraint of trade in employment

Banking:

- *Spiliotopoulos v National Australia Bank Limited & ors* [2017] NSWSC 971 (unled) – summary dismissal of proceedings brought against the National Australia Bank and other parties regarding an alleged forged mortgage
- *Foster v Commonwealth Bank of Australia & ors* [2013] NSWSC 598 (unled) – referral for legal assistance, acting for the National Australia Bank
- *Foster v Commonwealth Bank of Australia & ors* (15 December 2011, Supreme Court of NSW, 11/272560, Nicholas J) (unled) – summary dismissal application in proceedings for negligence, breach of s12CB(1) of ASIC Act, breaches of Uniform Consumer Credit Code and Code of Banking Practice

Administrative Law:

- Appeared unled on behalf of Greyhound Racing New South Wales before the Racing Appeals Tribunal in 2015
- Appeared for Coalpac Pty Ltd, led by MJ Leeming SC, in judicial review proceedings under the *Environmental Planning and Assessment Act 1979* (NSW): *Coalpac Pty Ltd v Minister for Planning and Infrastructure & Planning Assessment Commission of New South Wales* [2013] NSWLEC 52 (led by MJ Leeming SC) – Matter settled prior to final hearing
- *Gold & Copper Resources Pty Ltd v The Hon Chris Hartcher MP & Newcrest Mining Limited*, 2012, NSW Land and Environment Court – various unled interlocutory applications in the context of judicial review proceedings concerning a determination under the *Mining Act 1992* (NSW)
- *Moolarben Coal Mines Pty Ltd v Director-General of the (former) Dept of Industry and Investment New South Wales (Agriculture Division) & Ulan Coal Mines* [2011] NSWLEC 191 (led by MJ Leeming SC) – judicial review proceedings concerning a determination made under the *Mining Act 1992* (NSW)
- *Moolarben Coal Mines Pty Ltd v Director-General of the (former) Dept of Industry and Investment New South Wales (Agriculture Division) & Ulan Coal Mines* [2011] NSWLEC 231 (unled) – costs
- *Lester v Ashton Coal Mining Operations Pty Ltd (No 2)* [2011] NSWLEC 177 (led by A Galasso SC) – practice and procedure (access orders)
- *Olofsson v Minister for Primary Industries & ors (No 2)* [2011] NSWLEC 181 (led by M Leeming SC) – proceedings for declarations – statutory interpretation of the *Mining Act 1992* (NSW), the *Commons Management Act 1989* (NSW) and the *Crown Lands Act 1989* (NSW)

Other matters:

- Appeared for three officers of the Catholic Archdiocese of Sydney in a Case Study in the Royal Commission into Institutional Responses to Child Sexual Abuse in 2014, led by A P Whitlam QC

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